

1 BAUMAN LAW FIRM
Frederick C. Bauman (Nev. Bar No. 8370)
2 6640 Sky Pointe Dr., Ste 140-149
Las Vegas, NV 89131
3 Telephone: (702) 533-8372
Facsimile: No Fax Number
4 Email: fred@lawbauman.com

5 GARVEY SCHUBERT BARER
Gary I. Grenley (*Pro Hac Vice*)
6 Eryn Karpinski Hoerster (*Pro Hac Vice*)
121 SW Morrison Street, 11th Floor
7 Portland, Oregon 97204-3141
Telephone: (503) 228-3939
8 Facsimile: (503) 226-0259
Email: ggrenley@gsblaw.com
9 ehoerster@gsblaw.com

10 Attorneys for CGrowth Capital, Inc., William M.
Wright, III, and Keystone Financial Management, Inc.

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

14 PHILIP WINGEN, et al.,

15 Plaintiffs,

16 v.

17 VENTRUM ENERGY CORP., et al.,

18 Defendants.

Case No. 2:15-cv-02043-JCM-VCF

**MOTION TO WITHDRAW AS
ATTORNEYS OF RECORD FOR
CGROWTH CAPITAL, INC.,
WILLIAM M. WRIGHT, III, AND
KEYSTONE FINANCIAL
MANAGEMENT, INC.**

20 COMES NOW Gary I. Grenley and Eryn Karpinski Hoerster of the law firm of Garvey
21 Schubert Barer and hereby moves to withdraw as attorneys for Defendants CGrowth Capital, Inc.,
22 Keystone Financial Management, Inc., and William M. Wright, III (“Defendants”) in the above-
23 captioned matter.

24 This motion is made and based upon the papers and pleadings on file herein, the following
25 points and authorities, and Declaration of Eryn Karpinski Hoerster attached hereto.
26

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1 The Defendants will continue to be represented by attorney of record Frederick C.
2 Bauman.

3 Dated: March 9, 2018

GARVEY SCHUBERT BARER

5 By: /s/ Eryn Karpinski Hoerster

Gary I. Grenley (Pro Hac Vice)
Eryn Karpinski Hoerster (Pro Hac Vice)
121 SW Morrison Street, 11th Floor
Portland, Oregon 97204-3141
Telephone: (503) 228-3939
Facsimile: (503) 226-0259
Email: ggrenley@gsblaw.com
ehoerster@gsblaw.com

Attorneys for CGrowth Capital, Inc., Keystone
Financial Management, Inc., and William M.
Wright, III

14 IT IS SO ORDERED:



16 UNITED STATES MAGISTRATE JUDGE

17 DATED: March 28, 2018

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 The Court should grant Garvey Schubert Barer's application to withdraw as attorneys of
21 record for Defendants CGrowth Capital, Inc., Keystone Financial Management, Inc. and William
22 M. Wright, III pursuant to the Nevada Rules of Professional Conduct ("NRPC") 1.16 and LR IA
23 11-6. As set forth in the Declaration of Eryn Karpinski Hoerster attached hereto, notice of
24 Garvey Schubert Barer's motion to Withdraw was mailed to Plaintiffs and all Defendants on
25 March 9, 2018, and Garvey Schubert Barer has good cause to withdraw.

26 NRPC 1.16 provides, in pertinent part, that a lawyer may withdraw from representation
27 where:

- 1 (1) Withdrawal can be accomplished without material adverse effect on the
2 interests of the client;
3 ...
4 (6) The representation will result in unreasonable financial burden on the
lawyer or has been rendered unreasonably difficult by the client; or
5 (7) Other good cause exists for withdrawal.
6

7 NRPC 1.16(b).

8 The attached Declaration of Eryn Karpinski Hoerster is incorporated herein by reference
9 and establishes that good cause exists for the withdrawal of Garvey Schubert Barer as counsel
10 for Defendants, and that the withdrawal can be accomplished without adversely affecting the
11 interest of the clients.

12 WHEREFORE, the undersigned respectfully requests that this court enter an order
13 approving the withdrawal of Garvey Schubert Barer as attorneys of record for Defendants, and
14 for such other and further relief as the Court deems just and proper.

15 Dated: March 9, 2018

GARVEY SCHUBERT BARER

16
17 By: /s/ Eryn Karpinski Hoerster

Gary I. Grenley (Pro Hac Vice)
Eryn Karpinski Hoerster (Pro Hac Vice)
121 SW Morrison Street, 11th Floor
Portland, Oregon 97204-3141
Telephone: (503) 228-3939
Facsimile: (503) 226-0259
Email: ggrenley@gsblaw.com
ehoerster@gsblaw.com

22 Attorneys for CGrowth Capital, Inc., Keystone
23 Financial Management, Inc., and William M.
24 Wright, III

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2 **DECLARATION OF ERYN KARPINSKI HOERSTER IN SUPPORT OF**
3 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

4 I, Eryn Karpinski Hoerster, declare in support of this Motion to Withdraw as Attorney of
5 Record:

6 1. I am an attorney admitted *pro hac vice*, I am a principal in the law firm of Garvey
7 Schubert Barer, and am one of the attorneys of record for Defendants in the instant matter.

8 2. I make this declaration in support of the Motion to Withdraw as Attorneys of
9 Record in the matter styled *Philip Wingen, et al. v. Ventrum Energy Corp., et al.*, filed in the
10 United States District Court, District of Nevada, Case No. 2:15-cv-02043-JCM-VCF.

11 3. On or about April 21, 2017, Defendants entered into an engagement agreement
12 with Garvey Schubert Barer in which Garvey Schubert Barer has represented Defendants in this
13 action pursuant to its terms.

14 4. Garvey Schubert Barer has performed its obligations as counsel for Defendants in
15 a skillful and diligent manner. Defendants have failed to meet substantial obligations owed to
16 Garvey Schubert Barer. These failures require Garvey Schubert Barer to withdrawal as counsel.
17 This Motion is brought in good faith and not for purposes of any delay.

18 5. Defendants will continue to be represented by Nevada counsel, Mr. Frederick C.
19 Bauman, whose address is 6640 Sky Pointe Dr., Ste 140-149, Las Vegas, NV 89131, and
20 Telephone number (702) 533-8372.

21 6. Defendants were provided notice of Garvey Schubert Barer's intent to file the
22 Motion to Withdraw on February 28, 2018. Prior to that, Garvey Schubert Barer notified
23 Defendants on February 16, 2018, that financial obligations would need to be brought current for
24 Garvey Schubert Barer to continue representation.

25 7. I declare under penalty of perjury of the laws of the State of Oregon that the
26 foregoing is true and correct.

27 Executed this 9th day of March, 2018.

28 /s/ Eryn Karpinski Hoerster
 Eryn Karpinski Hoerster

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **MOTION TO WITHDRAW AS ATTORNEYS OF RECORD FOR CGROWTH CAPITAL, INC., WILLIAM M. WRIGHT, III, AND KEYSTONE FINANCIAL MANAGEMENT, INC.** on all counsel of record by the following indicated method or methods on the date set forth below:

Via Electronic Court Filing:

Dylan T. Ciciliano
Garman Turner Gordon LLP
650 White Drive
Suite 101
Las Vegas, NV 89119
Email: dciciliano@gtg.legal

Nik Skrinjaric
Nik Skrinjaric Attorney at Law
8430 West Lake Mead Blvd., Ste. 100
Las Vegas, NV 89128
Email: ns@nvlaw.biz

Fara Daun
Stellar Pacific Business Law PLLC
9505 19th Ave. SE, Suite 109
Everett, WA 98208
Email: fara@stellarpacificlaw.com

Frederick C Bauman
Bauman & Associates
5595 Egan Crest Dr.
Las Vegas, NV 89149
Email: fred@lawbauman.com

Via United States First Class Mail:

Avihail Kochlani
5855 Shirley Avenue
Tarzana, CA 91356

Catherine Elkins
7866 S. Miller Lane
Las Vegas, NV 89113

DATED this 9th day of March, 2018.

/s/ Eryn Karpinski Hoerster

Eryn Karpinski Hoerster
(admitted *Pro Hac Vice*)

GSB:9317067.1